

**FILED**

**JUL 28 2011**

**BOARD OF PHARMACY**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION OR	:	Administrative Action
REVOCATION OF THE REGISTRATION OF	:	
	:	FINAL ORDER OF DISCIPLINE
VIRGINIA CULLEN	:	
Registration No. 28RW00175400	:	
	:	
TO PRACTICE AS A PHARMACY	:	
TECHNICIAN IN THE STATE OF NEW JERSEY:	:	

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon receipt of the information which the Board has reviewed and on which the following findings of fact and conclusion of law are made;

**FINDINGS OF FACT**

1. Virginia Cullen ("Respondent") is a certified Pharmacy Technician in the State of New Jersey and has been at all times hereto.
2. On or about August 1, 2010, Respondent was terminated from her job as a Pharmacy Technician at the Rite Aid Pharmacy located at 2006 State Highway 35 in Spring Lake, New Jersey after she admitted that over a period of approximately three years she removed drugs, including approximately 2830 tablets of clonazepam, from the pharmacy and gave them to her nephew without a valid doctor's prescription.

**CONCLUSIONS OF LAW**

Respondent's conduct as described herein, including the removal of controlled dangerous substances from the pharmacy without valid prescriptions, constitutes violation of N.J.A.C. 13:45:1-21 (b), (c) and (f), in that, Respondent has engaged in the use or employment of dishonesty, deception, or misrepresentation, has engaged in professional misconduct, and has engaged in acts constituting a crime or offense relating adversely to the practice of pharmacy.

### DISCUSSION

Based upon the foregoing findings and conclusions, a Provisional Order of Discipline was entered by this Board on December 13, 2010 provisionally suspending the Respondent's license to practice as a Pharmacy Technician in the State of New Jersey for five (5) years. A copy of the Order was forwarded to Respondent by certified and regular mail at her address of record. The certified mail was signed for on December 15, 2010 and the regular mail was not returned to the Board unclaimed. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal, setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Because the Provisional Order was sent to Respondent's address of record, the Board deems service to have been effected. To date, Respondent has not submitted a response to the Provisional Order. Inasmuch as no discrepancies have been raised with respect to the findings of fact and conclusions of law of the Provisional Order, it is determined that further proceedings are not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 28<sup>th</sup> day of July, 2011,

**ORDERED that:**

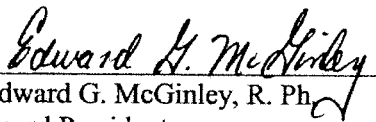
1. Respondent's certification #28RW00175400 to practice as a Pharmacy Technician is hereby suspended for five (5) years.
2. Respondent shall immediately cease and desist from engaging in practice as a pharmacy technician, which includes, but is not limited to the following: Respondent shall not retrieve prescription files or patient files; shall not prepare medication labels; shall not engage in data entry for any pharmacy, shall not count, weigh, measure, pour or compound prescription medication or stock legend drugs and controlled substances; shall not fill an automated medication system; shall not accept authorization for a prescription refill or renewal; shall not handle anything requiring a prescription, including devices and medications; shall not handle prescriptions; and shall not be present within a prescription filling area of a pharmacy.
3. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.
4. Respondent shall immediately surrender her original registration to: Executive Director Joanne Boyer, New Jersey Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.
5. Prior to any restoration of registration, Respondent shall:
  - A. Appear before the Board or a committee thereof to discuss her readiness to reenter practice as a pharmacy technician. At that time, Respondent shall be prepared to propose her plans for future practice in New Jersey and demonstrate evidence of rehabilitation to the Board's satisfaction.
  - B. Affirmatively establish her fitness, competence and capacity to actively practice as a pharmacy technician.
  - C. Provide the Board with a full account of her conduct during the intervening period of time from her termination from Rite Aide to her appearance for restoration of her registration.

D. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees.

6. If Respondent's registration to practice as a pharmacy technician is reinstated, the Board, in its discretion, may impose any conditions or restrictions on registration it deems necessary to protect the public health, safety and welfare.

NEW JERSEY BOARD OF  
PHARMACY

BY

  
Edward G. McGinley, R. Ph.  
Board President